

Amendment under 37 CFR §1.111  
Attorney Docket No.: 032054  
Application No.: 10/696,037

**REMARKS**

Claims 1-13 are pending in the present application. Claims 3-12 are withdrawn. Claims 1, 2 and 13 are herein amended. No new matter has been entered.

**Claim Rejections – 35 U.S.C. § 103**

Claims 1, 2 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Sullivan** (US 2004/0160421) in view of **Ross-Messemer** (US 6,885,491).

Favorable reconsideration is requested.

In the present invention as recited in the claims, the number of the waves of the burst waves is controlled (which have a constant frequency generated by an oscillator) such that they are increased until enough strength of a time domain wave form is obtained if the wave form is weakened due to dirt on a touch panel. When enough strength of the wave form is obtained, the number of the waves is stored for compensating attenuation of wave strength due to the dirt. This “control” of the number of waves is described in the specification at pages 22-23.

Applicants respectfully submit that Sullivan in view of Ross-Messemer does not teach or suggest:

a control section for controlling a number of waves of the burst waves to be applied to said excitation section, based on the strength of surface acoustic waves measured by said measuring section

as recited in amended claim 1; and

controlling a number of waves of the burst waves to be applied to said excitation section, based on the measured strength of surface acoustic waves

as recited in amended claim 13.

The Office Action acknowledges that Sullivan in view of Ross-Messemer does not specifically teach a control section for controlling the wave number of the burst waves. (Office Action, page 3.) The Office Action takes the position that the frequency of a signal is mathematically related to the wavelength and wave number, and thus, the claims would have been obvious based on teachings in Ross-Messemer.

However, Ross-Messemer describes that its “invention is distinguished in that the radiation-diffracting grating structure is provided...by standing surface waves.” (Col. 7, lines 47-50.) For generating the standing surface waves on substrates of Ross-Messemer, an excitation element (*e.g.*, the surface wave source 47 in Fig. 2 of Ross-Messemer) provides continuous surface waves and not burst-like surface waves. Accordingly, continuous waves for excitation, not burst waves, are applied also to the excitation element itself.

Ross-Messemer discloses that “the control means 77 varies the ... frequency  $f_s$ ,” (col. 14, lines 46-48), of continuous waves, and does not teach or suggest “a control section for controlling a number of waves of the burst waves” as recited in the claims. Thus, the claims would not have been obvious over Sullivan in view of Ross-Messemer.

For at least the foregoing reasons, claims 1, 2 and 13 are patentable over the cited references. Accordingly, withdrawal of the rejection of claims 1, 2 and 13 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
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